



208.1009

UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: LESLIE, Stewart Thomas
Serial No.: 10/037,299
Examiner: YOUNG, Micah-Paul
Art Unit: 1615
Filed: October 25, 2001
For: **TRANSDERMAL DOSAGE FORM**

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 19, 2003

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

In the Statement of Reasons for Allowance accompanying the Notice of Allowance mailed on August 19, 2003, the Examiner stated that “. . . *Granger et al (USPN 5,149,538), discloses a transdermal formulation, which deters misuse, yet no distressing compounds are present. Granger et al merely uses antagonists that counteract the opioid.*”

In response, Applicant respectfully submits that antagonists are not excluded from the term “distressing substances” as recited in claims 1 and 2.


As discussed in the Amendments filed on January 2, 2003 and July 30, 2003, Granger et al does not teach, hint or suggest the distressing substance not being permeable through the skin as recited in claim 1, or the membrane of the vehicle for providing transdermal flux of the opioid analgesic being permeable to the opioid analgesic and non-permeable to the distressing substance as recited in claim 2.

CONCLUSION

This Comment on Statement of Reasons for Allowance is being submitted with a Request for Continued Examination, Information Disclosure Statement and cited reference. A check in the amount of \$770.00 is enclosed to cover the Request for Continued Examination fee.

In the event any additional fee is due or overpayment made in connection with the filing of this Comment on Statement of Reasons for Allowance, Request for Continued Examination, or Information Disclosure Statement, the Assistant Commissioner is hereby authorized to charge said deficiency or credit overpayment to our Deposit Account No. 50-0552.

Respectfully submitted,
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